

EXHIBIT 8

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Attorneys for Defendant Koninklijke Philips N.V.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-SC (N.D. Cal.)

MDL No. 1917

**OBJECTIONS AND RESPONSES OF
DEFENDANT KONINKLIJKE PHILIPS
N.V. TO DIRECT ACTION PLAINTIFFS'
FIRST SET OF REQUESTS FOR
ADMISSION**

This Document Relates to:

Electrograph Systems, Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-01656;

Siegel v. Hitachi, Ltd., et al. No. 11-cv-05502;

Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-05513;

Target Corp, et al. v. Chunghwa Picture Tubes, Ltd., et al., No. 11-cv-05514;

Interbond Corporation of America v. Hitachi, et al., No. 11-cv-06275;

Office Depot, Inc. v. Hitachi Ltd., et al.,

MDL 1917

No. 11-cv-06276;
CompuCom Systems, Inc. v. Hitachi, Ltd.,
 et al., No. 11-cv-06396;
Costco Wholesale Corporation v. Hitachi,
 Ltd., et al., No. 11-cv-06397;
P.C. Richard & Son Long Island
Corporation, et al. v. Hitachi, Ltd., et al.,
 No. 12-cv-02648;
Schultze Agency Services, LLC, et al. v.
Hitachi, Ltd., et al., No. 12-cv-02649;
Tech Data Corporation, et al. v. Hitachi,
Ltd., et al., No.13-cv-00157;
DAPs Inc. and DAPs Products L.P. v. Hitachi
Ltd., et al., No.13-cv-02171;
Siegel v. Technicolor SA, et al., No. 13-cv-
 05261;
Sears, Roebuck & Co., et al. v. Technicolor
SA, et al., No. 13-cv-05262;
Best Buy Co., Inc., et al. v Technicolor SA,
et al., No.13-cv-05264;
Schultze Agency Services, LLC v.
Technicolor SA, et al., No. 13-cv-05668;
Target Corp., v. Technicolor SA, et al.,
 No.13-cv-05686;
Costco Wholesale Corporation v.
Technicolor SA, et al., No. 13-cv-05723;
Electrograph Systems, Inc., et al. v.
Technicolor SA, et al., No. 13-cv-05724;
P.C. Richard & Son Long Island
Corporation, et al. v. Technicolor SA, et al.,
 No. 13-cv-05725;
Office Depot, Inc., v. Technicolor SA, et al.,
 No. 13-cv-05726;
Interbond Corporation of America v.
Technicolor SA, et al., No. 13-cv-05727.

PROPOUNDING PARTY:

Direct Action Plaintiffs Electrograph Systems, Inc. and
 Electrograph Technologies Corp.; Alfred H. Siegel, solely
 as Trustee of the Circuit City Stores, Inc. Liquidating

-2-

Trust; Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com, L.L.C., and Magnolia Hi-Fi, Inc.; Target Corp., Sears, Roebuck, and Co., Kmart Corp.; Interbond Corporation of America; Office Depot, Inc.; CompuCom Systems, Inc.; Costco Wholesale Corporation; P.C. Richard & Son Long Island Corporation, MARTA Cooperative of America, Inc., and ABC Appliance, Inc.; Schultze Agency Services, LLC on behalf of Tweeter Opco, LLC and Tweeter Newco, LLC; Tech Data Corporation and Tech Data Product Management, Inc.; and Dell Inc. and Dell Products L.P.

RESPONDING PARTY:

KONINKLIJKE PHILIPS N.V.

SET NO.:

One

1 available documents. KPNV further objects to this Request on the ground that it calls for a legal
 2 argument or legal conclusion. KPNV also objects to the terms “authentic” and “business record”
 3 because they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably
 4 calculated to lead to the discovery of admissible evidence.

5 Subject to and without waiving its foregoing objections, KPNV denies this Request.

6 **REQUEST NO. 10.**

7 Admit that in June 2001, Royal Philips and LGEI entered into the Joint Venture
 8 Agreement, in which Royal Philips and LGEI each agreed to transfer their entire CRT operations
 9 to the joint venture corporation, LPD.

10 **RESPONSE TO REQUEST NO. 10**

11 In addition to KPNV’s General Objections, which KPNV incorporates by reference,
 12 KPNV specifically objects to this Request to the extent it is overly broad, unduly burdensome,
 13 and seeks information that is maintained by and equally available to DAPs or stated in publicly
 14 available documents. KPNV further objects to this Request on the ground that it calls for a legal
 15 argument or legal conclusion. KPNV also objects to the terms “entered,” “transfer,” “entire,” and
 16 “CRT operations” because they are vague, ambiguous, overbroad, unduly burdensome, and not
 17 reasonably calculated to lead to the discovery of admissible evidence.

18 Subject to and without waiving its foregoing objections, KPNV admits this Request to the
 19 extent that the parameters of the formation of LG.Philips Displays Holding B.V. are defined by
 20 the joint venture agreement between KPNV and LG Electronics Inc.

21 **REQUEST NO. 11.**

22 Admit that in 2001 LPD was formed with Royal Philips and Philips GmbH holding a 50%
 23 plus one share ownership interest.

24 **RESPONSE TO REQUEST NO. 11**

25 In addition to KPNV’s General Objections, which KPNV incorporates by reference,
 26 KPNV specifically objects to this Request to the extent it is overly broad, unduly burdensome,
 27 and seeks information that is maintained by and equally available to DAPs or stated in publicly
 28

1 available documents. KPNV further objects to this Request on the ground that it calls for a legal
2 argument or legal conclusion. KPNV also objects to the terms “formed,” “share,” and
3 “ownership interest” because they are vague, ambiguous, overbroad, unduly burdensome, and not
4 reasonably calculated to lead to the discovery of admissible evidence.

5 Subject to and without waiving its foregoing objections, KPNV admits this Request.

6 **REQUEST NO. 12.**

7 Admit that in 2001 LPD was formed with LGEI and LG Electronics Wales Ltd. holding a
8 50% minus one share ownership interest.

9 **RESPONSE TO REQUEST NO. 12**

10 In addition to KPNV’s General Objections, which KPNV incorporates by reference,
11 KPNV specifically objects to this Request to the extent it is overly broad, unduly burdensome,
12 and seeks information that is maintained by and equally available to DAPs or stated in publicly
13 available documents. KPNV further objects to this Request on the ground that it calls for a legal
14 argument or legal conclusion. KPNV also objects to the terms “formed,” “share,” and
15 “ownership interest” because they are vague, ambiguous, overbroad, unduly burdensome, and not
16 reasonably calculated to lead to the discovery of admissible evidence.

17 Subject to and without waiving its foregoing objections, KPNV admits this Request.

18 **REQUEST NO. 13.**

19 Admit that at all times from the formation of LPD in 2001 through 2006 Royal Philips
20 and/or Philips GmbH collectively owned a 50% plus one share ownership interest.

21 **RESPONSE TO REQUEST NO. 13**

22 In addition to KPNV’s General Objections, which KPNV incorporates by reference,
23 KPNV specifically objects to this Request to the extent it is overly broad, unduly burdensome,
24 and seeks information that is maintained by and equally available to DAPs or stated in publicly
25 available documents. KPNV further objects to this Request on the ground that it calls for a legal
26 argument or legal conclusion. KPNV also objects to the terms “formation,” “collectively,” and
27 “owned” because they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably
28

1 available documents. KPNV further objects to this Request on the ground that it calls for a legal
2 argument or legal conclusion. KPNV also objects to the terms “identify,” “used,” and “sold”
3 because they are vague, ambiguous, overbroad, unduly burdensome, and not reasonably
4 calculated to lead to the discovery of admissible evidence.

5 Subject to and without waiving its foregoing objections, KPNV denies this Request.
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7

8 Dated: July 10, 2014

BAKER BOTTS LLP

9 
10

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the documents listed below to be served by e-mail transmission on July 10, 2014 to each of the persons set forth in the attached service list below.

1. Koninklijke Philips N.V.'s Objections and Responses to DAPs' First Set of Requests for Admission

Dated: July 10, 2014



Charles M. Malaise

*In re: Cathode Ray Tube (CRT) Antitrust Litigation - MDL No. 1917***SERVICE LIST**

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15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
16 **SAN FRANCISCO DIVISION**

17 In re: CATHODE RAY TUBE (CRT)
18 ANTITRUST LITIGATION

Case No. 07-5944 SC
MDL No. 1917

19 This Document Relates to:
20 ALL ACTIONS
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22
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DECLARATION OF FRANCISCUS
JOHANNES SPAARGAREN

1 I, Franciscus Johannes Spaargaren, being duly sworn, hereby declare and state as follows:

2 1. The statements contained in this declaration are based on my personal knowledge, my
3 review of the books and records of Koninklijke Philips N.V. (“KPNV”), and my consultation with
4 various employees of KPNV, as well as KPNV’s subsidiaries, joint ventures, and associates
5 (collectively “Philips”). If called upon, I could and would competently testify to these statements
6 under oath.

7 2. Unless otherwise specified, the statements below relate to May 1998 to June 2004—
8 the time period during which I was employed by Philips.

9
10 **I. Professional Background**

11 3. I received a bachelor’s degree in economics from Utrecht University in 1978.

12 4. I received an executive masters of business administration from Henley Management
13 College in the United Kingdom in 1993.

14 5. I am currently retired and live in Oisterwijk, in the Netherlands. I was employed by
15 Philips from May 1998 to June 2004.

16 6. Prior to joining Philips, I served in the internal audit department for Bruna, a Dutch
17 company with approximately 400 bookstores in the Netherlands; served as an assistant controller for
18 Baars Cheese; and served in various corporate capacities for Varta, a German battery manufacturer.

19 7. Since leaving Philips, I have served as the CFO for multiple companies including
20 GemPlus, OTB, Cofely, and Tommy Hilfiger.

21
22 **II. Employment at Philips**

23 8. Philips Display Components (“Philips Components”) is a business group within
24 Philips that manufactured and sold components for consumer electronics including cathode ray tubes
25 (“CRTs”) for televisions and computer monitors. The Philips Components business group was part
26 of the Product Division Components, at that time one of the six Product Divisions of Philips.

27 9. I joined Philips Components as CFO in May 1998. My official title was executive
28 vice-president and CFO of Philips Components. I worked for Philips Components from May 1998

1 to November 2001.

2 10. During my time at Philips Components, I reported directly to Philips Components'
3 CEO: Mr. Y.C. Lo (May 1998 to January 1999), Mr. Gerard Kleisterlee (January 1999 to August
4 2000), and Mr. Matt Medeiros (August 2000 to November 2001).

5 11. In July 2001, KPNV and LG Electronics, Inc. ("LG") created a joint venture for the
6 manufacture and sale of CRTs known as LG.Philips Displays ("LPD").

7 12. Philips' Joint Venture Office ("JV Office") was created in November 2001 to oversee
8 KPNV's investment in multiple joint ventures including LPD. I was the head of this office from
9 November 2001 until I left Philips in June 2004. My title was executive vice-president of Philips
10 International. I was the sole employee of the JV Office.

11 13. In this position, I first reported to Mr. Arthur Van der Poel, a member of KPNV's
12 board of management. I later reported to Mr. Jan Oosterveld, head of corporate strategy, and finally
13 Mr. Ad Huijser, KPNV's chief technology officer.

14 14. I was never employed by LPD and never received any compensation from LPD.
15

16 **III. The Formation of LPD**

17 15. LPD was officially created in July 2001, as a joint venture between KPNV and LG.
18 The joint venture was governed by a Joint Venture Agreement ("JV Agreement") that was signed by
19 KPNV and LG on June 11, 2001.

20 16. KPNV and LG had begun discussing this potential joint venture in late 1999.

21 17. I was personally involved in the negotiations surrounding the drafting of the Letter of
22 Intent between the joint venture parties in early 2000, which set out key terms of the joint venture.

23 18. As part of these discussions, I was personally involved in working with LG on the
24 valuation of the assets that both shareholders would contribute to LPD and to develop the high-level
25 structure for LPD's governance that LPD's management would implement once LPD became
26 operative.
27
28

1 **A. *Reasons That KPNV Wanted to Create the Joint Venture***

2 19. The CRT industry was maturing, meaning that it was showing lower growth rates
3 than in its initial years.

4 20. KPNV believed that the joint venture would better align CRT assets and allow them
5 to monetize their value. The joint venture would create cost advantages and technology advantages
6 in purchasing and production, which would allow it to compete more effectively in the CRT
7 industry.

8 21. KPNV believed that the joint venture was mutually advantageous because of the
9 strengths of Philips and LG in various product and geographic areas.

10
11 **B. *Financing/Capitalization***

12 22. LPD was intended to be a self-financing, independent corporate entity.

13 23. At the formation of LPD, LG and Philips contributed assets that the parties valued at
14 approximately \$3.1 billion and \$2 billion, respectively, at the time of LPD's formation.

15 24. Philips contributed assets related to CRTs to LPD.

16 25. LPD was adequately capitalized at its formation, including a \$2 billion loan that LPD
17 obtained from a syndicate of banks.

18 26. LPD's operations were to be funded by the cash flow generated by LPD's sales, as
19 well as the working capital provided by this loan.

20
21 **C. *The Joint Venture Agreement***

22 27. The high-level structure of LPD's corporate governance was laid out in the JV
23 Agreement, which established that LPD would be run by the company's management. KPNV and
24 LG would be merely non-controlling shareholders.

25 28. As part of this JV Agreement, the shares of LPD were split equally between KPNV
26 and LPD, except that KPNV received one additional share. This structure, however, in no way gave
27 KPNV influence or control over LPD, and instead was designed solely for the purpose of ensuring
28 that LPD had access to Philips' portfolio of cross-intellectual property licenses.

29. The JV Agreement also created and established the responsibilities of LPD's Supervisory Board and Group Management Team.

30. I was a member of the Supervisory Board from the creation of LPD through June 2004 when I left Philips.

31. The Group Management Team consisted of ten LPD officers. These positions were the CEO, CFO, Chief Operating Officer (COO), the Chief Sales Officer, Chief Strategy Officer, Chief Technology Officer (CTO), and four regional managers.

32. In September 2002, the Group Management Team was restructured by LPD and became known as the Executive Board. The Executive Board was composed of LPD's CEO, CFO, COO, and Chief Sales Officer. LPD's intent in restructuring the Group Management Team was to allow LPD's management to act more quickly and decisively.

IV. LPD Was a Wholly Separate and Independent Company

33. After the creation of LPD in July 2001, LPD was a wholly separate, independent, and fully-operational company.

34. LPD maintained its own books and records, which were kept wholly separate from those of KPNV. This included LPD's bank accounts, which were maintained separate from those of KPNV and LG. Philips never consolidated LPD's results with its own.

35. LPD's assets were also always kept separate from KPNV's assets and were never commingled. KPNV had no ability to access LPD's cash or capital and LPD had no ability to access KPNV's cash or capital. Nor were any of LPD's assets ever securitized for the benefit of KPNV.

36. The members of LPD's Group Management Team/Executive Board were solely officers and employees of LPD, not LPD's shareholders, and were paid by LPD.

37. In my understanding, LPD's Group Management Team/Executive Board held regular formal meetings, the minutes of which were recorded.

V. KPNV Had No Control Over LPD's Day-to-Day Operations

38. As part of being a wholly separate and fully-operational company, the financial and

1 business affairs of LPD's operational headquarters were run by LPD's Group Management
 2 Team/Executive Board, individually and jointly. The operations of LPD's subsidiaries were
 3 likewise run by the management of those subsidiaries.

4 39. At no time did KPNV, or any other Philips entity, or LG ever exert any day-to-day
 5 management or control over LPD.

6 40. Based on the JV Agreement, both shareholders held approximately 50% of LPD's
 7 shares and thus neither could unilaterally make decisions at LPD's general meeting of shareholders,
 8 as a two-thirds majority was required to pass shareholder decisions.

9
 10 **A. LPD's Supervisory Board**

11 41. The role of the Supervisory Board was to provide high-level strategic advice to
 12 LPD's management and aide LPD in determining its business policies and how to implement those
 13 policies. This implementation, however, was solely the responsibility of LPD's management.

14 42. The Supervisory Board never made decisions on behalf of LPD; it only approved
 15 major decisions planned by LPD's management such as LPD's strategic plans related to investments
 16 and restructuring. Further, I do not remember a single instance in which the Supervisory Board
 17 vetoed any investments or plans that LPD submitted to the Supervisory Board.

18 43. The Supervisory Board did not run or control the day-to-day operations of LPD.
 19 LPD's management had independent autonomy to control LPD's business. The Supervisory Board
 20 did not have management responsibilities over the price that LPD charged for CRTs, or the volume
 21 of CRTs that LPD produced, or the customers that LPD sold to.

22 44. This structure of a supervisory board giving strategic guidance and a management
 23 team that controls the day-to-day operations of a company is typical in the Netherlands.

24 45. The members of the Supervisory Board had a fiduciary duty to LPD. As a member of
 25 the Supervisory Board, I took this fiduciary obligation seriously and, in this capacity, never acted in
 26 any way contrary to LPD's interests. KPNV never instructed me as a Supervisory Board member to
 27 direct LPD on how to run its day-to-day operations.

1 **B. *Philips' Joint Venture Office***

2 46. The Philips JV Office was the liaison between Philips and LPD.

3 47. My primary responsibility as head of this office was to keep KPNV informed on the
4 status of its joint ventures, including its investment in LPD. In order to fulfill this responsibility, I
5 analyzed information that the Supervisory Board received from LPD about its operational
6 performance.

7 48. As the only member of the JV Office, I did not manage the day-to-day operations or
8 strategic direction of LPD in any way, nor did I control KPNV's representatives on the Supervisory
9 Board.

10 49. The JV Office did not have any control over the agenda for the Supervisory Board
11 meetings, nor did the JV Office advise LPD on business plans or investments.

12
13 **VI. KPNV and LG Sought to Ensure LPD's Financial Success**

14 50. KPNV and LG always sought to assist LPD in becoming a financially self-sufficient
15 company.

16 51. During LPD's first year, a confluence of market factors—including the dotcom
17 bubble bursting and the tragedy of September 11, 2001—resulted in poor performance across the
18 entire consumer electronics industry, including LPD.

19 52. In response to this performance, upon LPD's request, KPNV and LG worked with the
20 syndicate of private lenders to agree on a capital injection. Thus, in May 2002, KPNV and LG
21 agreed to make a capital injection of \$250 million into LPD. KPNV later made additional capital
22 injections and provided certain guarantees if further injections were necessary. KPNV believed that
23 LPD would be able to use these funds to restructure and continue to be financially self-sufficient.

24 53. KPNV never insisted on receiving any income as a shareholder of LPD and never
25 received a return on its investment.

26 54. KPNV never removed assets from LPD. Nor did it ever withdraw or seek the return
27 of its equity investments in LPD, or divert LPD's funds to its own use.

28 55. All of Philips' transactions with LPD were at arms-length.

1
2 I declare under penalty of perjury under the laws of the United States of America that the
3 foregoing is true and correct.

4 Executed on April 10, 2014 in Oisterwijk, the Netherlands

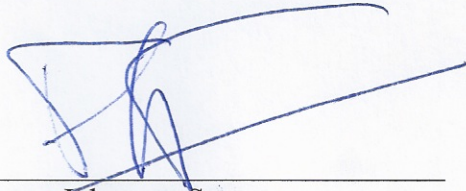
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EXHIBIT 10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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In Re: CATHODE RAY TUBE (CRT))	
ANTITRUST LITIGATION,)	
)	
Plaintiff,)	
-----)	Case No.
)	07-5944 Sc
)	MDL No. 1917
This Document Relates to:)	
)	
ALL ACTIONS,)	
)	

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CONFIDENTIAL TRANSCRIPT, ATTORNEYS' EYES ONLY

DEPOSITION OF FRANS SPAARGAREN

August 27, 2014

BALINDA DUNLAP, RPR, CRR, RMR, CSR No. 10710
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A P P E A R A N C E S

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FOR THE DEFENDANTS TOSHIBA CORPORATION, TOSHIBA
AMERICA, INC., TOSHIBA AMERICA INFORMATION SYSTEMS,
INC., TOSHIBA AMERICA CONSUMER PRODUCTS, L.L.C.,
AND TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC.:
(Telephonic Appearance)

WHITE & CASE LLP
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ALSO PRESENT:

Brandon Miller, Barkley Court Reporters

1 Q. So I wanted to ask you a few questions
2 about the corporate governance structure of LPD.

3 You're on the supervisory board; that's
4 correct, right?

09:36 5 A. That's correct.

6 Q. And what was the role of the supervisory
7 board at LPD?

8 A. The role of the supervisory board was
9 basically to oversee the management of -- of LPD,
09:36 10 to give guidance to the management of LPD, to
11 approve major plans of LPD, including investments,
12 reorganization, budgets and strategic plans.

13 So the supervisory board is a system of
14 governance that we know very much in Europe. I
09:36 15 don't think in the U.S. it is that well-known.

16 But it basically creates a second layer to
17 create certain checks and balances for the
18 management of the company.

19 Q. Okay. And did the supervisory board
09:36 20 report to anyone at LPD?

21 MR. KOONS: Objection to form.

22 THE WITNESS: No, no, the supervisory
23 board did not report to anybody --

24 Q. BY MR. SLADE: All right. That was the
09:37 25 top level of management at LPD?

1 MR. KOONS: Objection to form.

2 THE WITNESS: I wouldn't say it is the top
3 level of management, because it isn't actually the
4 management of LPD.

09:37 5 Again, as I said, it is there to give
6 guidance to the management, so it is a separate
7 entity that is not managing the company, but it is,
8 of course, in regular contact with the management.
9 So it is not the top level.

09:37 10 The top level is the executive committee
11 of -- of LPD or the group management team, I
12 believe it was called in the beginning.

13 But the supervisory board, as I said, was
14 there to create a different layer, to have a
09:37 15 foundation of the main activities and the main
16 plans.

17 Q. BY MR. SLADE: So you just mentioned the
18 executive management board.

19 What was their role?

09:37 20 A. So the executive management board, or it
21 was called before that, I think, the group
22 management team of LPD, they had different names
23 during the period, they were managing the
24 day-to-day operations of LPD.

09:37 25 So they were managing the company in its

1 daily activities.

2 Q. Who made up the supervisory board at LPD?

3 A. The supervisory board consisted of six
4 people, three with a Philips background and three
09:38 5 with an LG background. But they had
6 responsibilities for their own behavior, if you
7 like, on the board.

8 They were not reporting to Philips. They
9 were not -- they were chosen by Philips, if you
09:38 10 like, as a shareholder, but they did not have to
11 report back to Philips, and they were not
12 instructed by KPNV or Philips on any of its
13 activities.

14 So they were independent, in essence.
09:38 15 They have a fiduciary responsibility to the
16 company, and that is the role of any supervisory
17 board in a -- in the -- in the Dutch structure.

18 Q. So were these board members former
19 employees of either Philips or LG?

09:38 20 MR. KOONS: Object to form.

21 THE WITNESS: They were -- at the time of
22 the -- of the joint venture, they were current
23 employees of Philips or of LG.

24 Q. BY MR. SLADE: And Philips got to appoint
09:39 25 three of these members?

1 A. Correct.

2 Q. And LG got to appoint three of these
3 members?

4 A. That's correct.

09:39 5 Q. And no one else was on the supervisory
6 board?

7 A. That's correct.

8 Q. Was there a set of managing directors at
9 the joint venture as well?

09:39 10 MR. KOONS: Object to form, vague.

11 THE WITNESS: Well, what do you mean by
12 "managing directors"?

13 Q. BY MR. SLADE: Let -- maybe it would help
14 to look at the document. If you could look at the
09:39 15 page ending in 4554.

16 A. Uh-huh. 454? No.

17 Q. 4554.

18 MR. KOONS: 54.

19 THE WITNESS: Okay.

09:40 20 Q. BY MR. SLADE: If you look at the section
21 labeled 6.3.7, where it says: "JVC Board of
22 Management, JVC Managing Directors" --

23 A. Uh-huh.

24 Q. -- what were the role of these managing
09:40 25 directors at LPD?

1 MR. KOONS: Object to the form,
2 foundation.

3 THE WITNESS: So this was the -- the Dutch
4 managing directors, so that was for the Dutch legal
09:40 5 and fiscal structure.

6 They had a separate board of management
7 with managing directors, and -- and these were
8 people who were basically based in -- in the
9 Netherlands.

09:40 10 Q. BY MR. SLADE: And what was their role at
11 LPD?

12 MR. KOONS: Objection; foundation, calls
13 for speculation.

14 THE WITNESS: I don't recall it anymore.
09:41 15 I know there was this structure, and I don't think
16 that this -- this board of management or managing
17 directors group had any important role, but they
18 needed to be there for Dutch law.

19 Q. BY MR. SLADE: All right. So if you look
09:41 20 about a third of the way down the page, do you see
21 the sentence that says:

22 "The JVC managing directors shall be
23 responsible for the day-to-day
24 management of JVC according to its
09:41 25 purposes as required under Dutch law,

1 subject to supervision, control and
2 direction of the supervisory board of
3 JVC according to its purpose"?

4 A. I do.

09:41 5 Q. You do. And what are some of the
6 day-to-day management responsibilities that the JVC
7 board of management would have?

8 MR. KOONS: Objection; asked and answered,
9 lack of foundation, calls for speculation.

09:42 10 THE WITNESS: If I remember correctly, it
11 was mainly also to approve budgets and plans.

12 Q. BY MR. SLADE: What type of budgets, if
13 you know?

14 A. The annual -- the annual budget.

09:42 15 Q. The annual budget. Any other budgets?

16 A. Not that I am aware of.

17 Q. What about plans, what type of plans would
18 they approve?

19 A. Investment plans, restructuring plans,
09:42 20 these also needed to be approved by the -- the
21 board of management.

22 Q. And do you know who appointed the managing
23 directors at LPD?

24 A. I do not recall that.

09:42 25 Q. If I could direct you to the very top of

1 the page there, for the sentence that begins with:

2 "The JVC shall have a board of
3 management."

4 If you could read that and see if that
09:43 5 refreshes your recollection.

6 MR. KOONS: You just want him to read the
7 document?

8 MR. SLADE: Yes.

9 MR. KOONS: Object to the form of the
09:43 10 question.

11 THE WITNESS: But, again, I do remember
12 this -- this group, this construction.

13 It was basically because LPD was a
14 Dutch-registered company and you, therefore, needed
09:43 15 a Dutch board of management, including, I think,
16 four people who lived in the Netherlands.

17 But this was, I'd say, intermediary group
18 that did not play any important role in the
19 company.

09:43 20 Q. BY MR. SLADE: Do you see the part where
21 it says that two of the people on this board were
22 appointed by the nomination of LGE?

23 A. I have read that, yes.

24 Q. Is that consistent with your recollection?

09:44 25 A. Yes.

1 Q. And do you see the part where it says that
2 two of the people on this board are nominated by
3 Philips?

4 A. I do.

09:44 5 Q. Is that consistent with your recollection
6 as well?

7 A. Yes.

8 Q. So is it your recollection that half of
9 this board is made up of people nominated from LG?

09:44 10 MR. KOONS: Objection; form.

11 THE WITNESS: Well, even more -- sorry,
12 can you repeat that?

13 Q. BY MR. SLADE: Sure, sure. Is it your
14 recollection that half of the people on the JVC
09:44 15 board of management were nominated by LG?

16 A. Yes.

17 MR. KOONS: Same objection.

18 Q. BY MR. SLADE: And is it your recollection
19 that half the people on the JVC board of management
09:44 20 were nominated by Philips?

21 MR. KOONS: Same objection.

22 THE WITNESS: Yes.

23 Q. BY MR. SLADE: Thank you.

24 Do you remember a JV group management team
09:44 25 at LPD?

1 A. I do.

2 Q. You do. What was their role?

3 A. Their role was to manage --

4 MR. KOONS: Objection; asked and answered.

09:45 5 THE WITNESS: Their role was to manage the
6 company on a day-to-day basis, so they were the
7 operational management team.

8 Q. BY MR. SLADE: And what does "operational
9 management team" mean?

09:45 10 A. That they were responsible for day-to-day
11 management, so that meant everything from
12 production to -- to selling of CRT products.

13 Q. And do you remember who appointed the
14 members of the JV group management team?

09:45 15 A. They were appointed by the supervisory
16 board.

17 Q. So your recollection is that it was not LG
18 who appointed members to this board?

19 MR. KOONS: Objection; asked and answered,
09:45 20 vague.

21 THE WITNESS: That's correct. As I said,
22 they were appointed by the supervisory board.

23 Q. BY MR. SLADE: If I could get you to turn
24 the page in the exhibit to the Bates number ending
09:46 25 in 4555.

1 certainly would not say that the parent companies
2 were controlling their remuneration. They were
3 controlling nothing at all in the company.

4 They were simply, at the beginning, asking
10:04 5 the management of LPD to, in the beginning years,
6 respect the remuneration policies of both parent
7 companies. So that's something else than
8 controlling it.

9 The decision on the level of compensation,
10:04 10 of remuneration, of promotions or degradations was
11 all done by the group management team of LPD.

12 So it was agreed that there would be, in
13 the beginning, two different policies, two
14 different systems for the people who came from a
10:05 15 Philips background and from an LG background.

16 And this was made even more complicated
17 because you had to deal with expats, so in
18 different countries, different fiscal systems.

19 But, again, that was not the controlling
10:05 20 of the compensation of these people by -- in my
21 view, by either of the management.

22 Q. BY MR. SLADE: All right. You can set
23 that aside. Thank you.

24 (Discussion off the record.)

10:06 25 (Reporter marked Exhibit 6002 for

1 an email that you received --

2 A. No.

3 Q. -- during the course of your duties at
4 Philips?

01:24 5 A. Sorry. No.

6 Q. If you look at the first line of
7 Mr. Chang's email, do you see where it says:

8 "It was the intention of CDT makers to
9 increase the price in January"?

01:24 10 A. Yes.

11 Q. Do you recall Mr. Chang providing updates
12 on the pricing of CDT makers?

13 MR. KOONS: Objection; assumes facts,
14 mischaracterizes the document.

01:24 15 THE WITNESS: Well, let me be very clear,
16 this is not -- it is an email Mr. Chang sent, but
17 it is not the text of Mr. Chang. It is a
18 copy/paste from news from a newspaper in Taiwan,
19 the "Commercial Times."

01:25 20 Q. BY MR. SLADE: And how do you know that?

21 A. Because I know the "Commercial Times."

22 Q. So you read that article?

23 A. No, because I can't read Chinese, but I
24 know that there's a newspaper called "Commercial

01:25 25 Times" that reported on the electronics industry,

1 and Mr. Chang used to inform us either by mail or
2 verbally about what he picked up in the news in --
3 in Taiwan or in China.

4 Q. Do you know that that's what he did in
01:25 5 this particular instance?

6 A. Yes.

7 Q. How do you know that?

8 MR. KOONS: Objection; document speaks for
9 itself.

01:25 10 THE WITNESS: Because it's clearly not the
11 writing of Mr. Chang, but it is, to my knowledge,
12 very obviously the writing of the Chinese reporter.

13 Q. BY MR. SLADE: How would you know what the
14 writing of a Chinese reporter looks like if you
01:26 15 don't read Chinese?

16 MR. KOONS: Objection to form.

17 THE WITNESS: Because I know how the
18 Chinese speak and write, so I can recognize it.

19 Q. BY MR. SLADE: Did you discuss this report
01:26 20 with Mr. Chang?

21 A. No.

22 Q. Did Mr. Chang regularly provide sources
23 for the market information that he gave you?

24 MR. KOONS: Objection; vague. Object to
01:26 25 form.

1 I have read the foregoing deposition
2 transcript and by signing hereafter, approve same.

3
4 Dated_____.

5
6
7 _____
(Signature of Deponent)

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) ss.
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1 of the testimony given by the witness. (Fed. R. Civ. P.
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4 the transcript [X] was [] was not requested. If
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8
9 Dated: SEPTEMBER 12, 2014

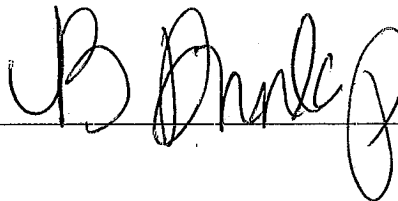
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EXHIBIT 11

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Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

)
IN RE: CATHODE RAY TUBE)
(CRT) ANTITRUST LITIGATION)
_____) No. 307-5944 SC
)
This Document Relates to:) MDL No. 1917
)
ALL ACTIONS)
_____)

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VIDEOTAPED DEPOSITION OF WIEBO JAN VAARTJES
San Francisco, California
Wednesday, December 18, 2013
Volume I

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<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 4 _____ 5) 6 IN RE: CATHODE RAY TUBE) (CRT) ANTITRUST LITIGATION) 7 _____) No. 307-5944 SC 8) 9 This Document Relates to:) MDL No. 1917 10) 11 ALL ACTIONS) 12 _____) 13 14 15 Videotaped deposition of WIEBO JAN 16 VAARTJES, Volume I, taken on behalf of Indirect 17 Purchaser Plaintiffs, at 275 Battery Street, 23rd 18 Floor, San Francisco, California, beginning at 9:14 19 a.m. and ending at 6:37 p.m., on Wednesday, December 20 18, 2013, before SUZANNE F. BOSCHETTI, Certified 21 Shorthand Reporter No. 5111. 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (Continued): 2 3 COOPER & KIRKHAM, P.C. 4 BY: JOHN D. BOGDANOV, ESQ . 5 357 Tehama Street, 2nd Floor 6 San Francisco, California 94103 7 (415) 789-3030 8 jdb@coopkirk.com 9 10 For Dell Plaintiffs: 11 ALSTON & BIRD LLP 12 BY: MELISSA MAHURIN WHITEHEAD, ESQ. 13 One Atlantic Center 14 1201 West Peachtree Street 15 Atlanta, Georgia 30309-3424 16 (404) 881-7000 17 melissa.whitehead@alston.com 18 19 For Sharp Plaintiffs: 20 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP 21 BY: DAVID FERSTER (By Telephone) 22 2001 K Street, NW 23 Washington DC 20006-1047 24 (202) 223-7348 25 dferster@paulweiss.com</p>
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<div>Page 7</div> <div>1 APPEARANCES (Continued): 2 3 For LG Defendants: 4 MUNGER, TOLLES & OLSON LLP 5 BY: WILLIAM D. TEMKO, ESQ. 6 355 South Grand Avenue, 35th Floor 7 Los Angeles, California 90071-1560 8 (213) 583-9266 9 william.temko@mto.com 10 11 For Panasonic Defendants: 12 WEIL, GOTSHAL & MANGES LLP 13 BY: DIANA A. AGUILAR, ESQ. (By telephone) 14 767 Fifth Avenue 15 New York, New York 10153 16 (212) 310-8997 17 diana.aguil@weil.com 18 19 For Toshiba Defendants: 20 WHITE & CASE LLP 21 BY: SAMUEL J. SHARP, ESQ. (By Telephone) 22 701 Thirteenth Street, NW 23 Washington DC 20005-3807 24 (202) 637-6285 25 samuel.sharp@whitecase.com</div>	<div>Page 9</div> <div>1 INDEX 2 WITNESS: EXAMINATION PAGE 3 WIEBO JAN VAARTJES 4 Volume I 5 BY MS. PRITCHARD 16 6 EXHIBITS 7 NO. DESCRIPTION PAGE 8 Exhibit 2269 Minutes of the Supervisory 82 9 Board Meeting of LG 10 Philips Displays Holding 11 B.V., held in Hong Kong on 12 February 18, 2005, Bates 13 Nos. LPD-NL00228337 - 14 228343 15 Exhibit 2270 Minutes of the Supervisory 94 16 Board Meeting of LG 17 Philips Displays Holding 18 B.V., held in Amsterdam on 19 July 11, 2005, Bates Nos. 20 LPD-NL00263838 - 263843 21 Exhibit 2271 Email string beginning 100 22 with email from Pat 23 Canavan, 11/15/2004, Bates 24 Nos. PHLP-CRT-023911 - 25 023915 26 Exhibit 2272 Email string beginning 113 27 with email from Pat 28 Canavan, 12/1/2004, Bates 29 Nos. PHLP-CRT-024736 - 30 024738 31 Exhibit 2273 Email string beginning 121 32 with email from Phil P.J. 33 Lee, 9/2/2005, Bates Nos. 34 PHLP-CRT-008117 - 008118 35 and native attachment 36 008119 37</div>

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<p>1 A But the supervisory -- excuse me. The 09:58:06</p> <p>2 Supervisory Board was not involved in -- in any 09:58:10</p> <p>3 day-to-day activities. The Supervisory Board was 09:58:13</p> <p>4 there to follow through on what was a strategy and 09:58:16</p> <p>5 also if there would be -- if there would be certain 09:58:20</p> <p>6 issues to discuss like the progress of the business. 09:58:25</p> <p>7 They on a quarterly basis were reviewing it, but 09:58:30</p> <p>8 they had no operational involvement. It was really 09:58:33</p> <p>9 a non-executive board. 09:58:35</p> <p>10 Q So in terms of operational involvement over 09:58:37</p> <p>11 the sales organization, you were in charge of that? 09:58:39</p> <p>12 A I was in charge -- I had the total 09:58:45</p> <p>13 responsibility for the total sales activities, but 09:58:48</p> <p>14 each of the units under my responsibility had their 09:58:51</p> <p>15 own accountability. So sales, sales activities, 09:58:55</p> <p>16 operations sales activities, getting customer 09:59:01</p> <p>17 orders, making sales plans, making also the 09:59:05</p> <p>18 day-to-day customer contacts were all done in the -- 09:59:07</p> <p>19 in the regional offices or in the -- in the 09:59:13</p> <p>20 factories. 09:59:18</p> <p>21 Q But they were accountable to you, correct, 09:59:18</p> <p>22 as Chief Sales Officer? 09:59:20</p> <p>23 A In the end of the day it is true, but when 09:59:22</p> <p>24 you talk about such a big organization, the 09:59:25</p> <p>25 responsibility of this Chief Sales Officer was more 09:59:29</p>	<p>1 A Not many. A few. 10:01:13</p> <p>2 Q Three, four, two? 10:01:25</p> <p>3 A Yeah, a few. 10:01:27</p> <p>4 Q Who were they? 10:01:28</p> <p>5 A I only know Pat Canavan. He was the sales 10:01:29</p> <p>6 leader there. 10:01:35</p> <p>7 Q So at the time that you became Chief Sales 10:01:39</p> <p>8 Officer for LPD, who was in charge of the region 10:01:44</p> <p>9 Europe, Europe region? 10:01:51</p> <p>10 A Yeah. 10:01:53</p> <p>11 MR. KOONS: Objection to the form of the 10:01:53</p> <p>12 question. Go ahead. 10:01:54</p> <p>13 BY MS. PRITCHARD: 10:01:56</p> <p>14 Q Who -- who reported to you? 10:01:57</p> <p>15 A In Europe? 10:01:58</p> <p>16 Q Yes. 10:01:59</p> <p>17 A A guy called Felice Albertazzi. 10:01:59</p> <p>18 Q How long had Felice Albertazzi been with 10:02:10</p> <p>19 LPD? 10:02:14</p> <p>20 A I don't know how long, but I think quite 10:02:17</p> <p>21 some time. 10:02:19</p> <p>22 Q Do you know where he had been before? 10:02:21</p> <p>23 A Before he was working in LPD? 10:02:32</p> <p>24 Q Yes. 10:02:38</p> <p>25 A No. Probably in Philips. 10:02:39</p>
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<p>1 on a strategic level. You're talking about what are 09:59:33</p> <p>2 the general trends in the market. Also making high 09:59:37</p> <p>3 level contacts with the two -- the two biggest 09:59:40</p> <p>4 customers and the other customers that we were 09:59:43</p> <p>5 having among to dealt with. 09:59:45</p> <p>6 Q Well, how large was the sales organization 09:59:47</p> <p>7 in 2004 when you began as Chief Sales Officer? 09:59:49</p> <p>8 A So in my headquarters I had maybe eight 09:59:53</p> <p>9 people, maybe even -- yes, six to eight maximum. 09:59:59</p> <p>10 And then you had in different sales offices a number 10:00:11</p> <p>11 of people, and then in the -- in the factories as 10:00:17</p> <p>12 well. If I count all these together, I would 10:00:20</p> <p>13 estimate 150 people or something like that. 10:00:24</p> <p>14 Q How many -- how many people in each sales 10:00:28</p> <p>15 office? 10:00:32</p> <p>16 A Depends a little bit. For instance, the 10:00:33</p> <p>17 American sales office was -- was quite small. The 10:00:37</p> <p>18 sales office in -- in -- in Brazil was also very 10:00:41</p> <p>19 small, only a few people. But for instance, in -- 10:00:50</p> <p>20 in the sales office in -- in Korea was a bit bigger 10:00:54</p> <p>21 because there was quite some activities there. 10:01:00</p> <p>22 Maybe there were 15 people or 20 people. And then 10:01:03</p> <p>23 you had in each of the factories a number of people. 10:01:07</p> <p>24 Q How many people were in the American sales 10:01:10</p> <p>25 office? 10:01:12</p>	<p>1 Q Do you know where Mr. Albertazzi went when 10:02:48</p> <p>2 he left LPD? 10:02:52</p> <p>3 A No. 10:02:54</p> <p>4 Q Do you know when he left? 10:02:54</p> <p>5 A No. 10:02:58</p> <p>6 Q And how long was Felice Albertazzi in 10:02:59</p> <p>7 charge of region work while you were Chief Sales 10:03:04</p> <p>8 Officer for LPD? 10:03:08</p> <p>9 MR. KOONS: Objection to form. Misstates 10:03:09</p> <p>10 testimony. 10:03:10</p> <p>11 BY MS. PRITCHARD: 10:03:14</p> <p>12 Q Do you understand my question? 10:03:14</p> <p>13 A No. 10:03:15</p> <p>14 Q Okay. So I believe you have stated that 10:03:15</p> <p>15 Mr. Albertazzi was responsible for the Europe 10:03:18</p> <p>16 region -- 10:03:25</p> <p>17 A Yes. 10:03:25</p> <p>18 Q -- of your sales organization at LPD? 10:03:25</p> <p>19 A Yes, that's correct, yes. 10:03:27</p> <p>20 Q Okay. How long was he in that position? 10:03:29</p> <p>21 A He was -- as far as I remember, he was 10:03:32</p> <p>22 there all the time when I was there. 10:03:34</p> <p>23 Q Okay. Do you know how many people reported 10:03:36</p> <p>24 to Mr. Albertazzi for region Europe? 10:03:42</p> <p>25 A I would estimate eight or ten. 10:03:51</p>

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<p style="text-align: right;">Page 330</p> <p>1 Were you aware that this kind of 06:37:18 2 information was being conveyed to LPD's competitors 06:37:20 3 in March of 2006? 06:37:24 4 MR. KOONS: Objection. Vague and 06:37:27 5 ambiguous. Lacks foundation. Calls for 06:37:28 6 speculation. Assumes facts. Mischaracterizes the 06:37:29 7 document. 06:37:32 8 THE WITNESS: No. 06:37:33 9 MS. PRITCHARD: Okay, Mr. Vaartjes. I 06:37:37 10 think we are finished for today, but we ask you to 06:37:39 11 return tomorrow. 06:37:44 12 THE WITNESS: Okay. 06:37:45 13 MS. PRITCHARD: All right. So we're off 06:37:46 14 the record. 06:37:47 15 VIDEO OPERATOR: This concludes today's 06:37:50 16 deposition of Wiebo Vaartjes. Master disks of 06:37:52 17 today's deposition will remain in the custody of 06:37:56 18 Veritext. The time is 6:37. We are now off the 06:37:58 19 record. 06:38:02 20 (TIME NOTED: 6:37 p.m.) 21 22 23 24 25</p>	<p style="text-align: right;">Page 332</p> <p>1 I, the undersigned, a Certified Shorthand 2 Reporter of the State of California, do hereby 3 certify: 4 That the foregoing proceedings were taken 5 before me at the time and place herein set forth; 6 that any witnesses in the foregoing proceedings, 7 prior to testifying, were duly sworn; that a record 8 of the proceedings was made by me using machine 9 shorthand which was thereafter transcribed under my 10 direction; that the foregoing transcript is a true 11 record of the testimony given. 12 I further, certify I am neither financially 13 interested in the action nor a relative or employee 14 of any attorney or party to this action. 15 IN WITNESS WHEREOF, I have this date 16 subscribed my name. 17 Dated: December 27, 2013 18 19 20 21 22 23 24 SUZANNE F. BOSCHETTI 25 CSR No. 5111</p>
<p style="text-align: right;">Page 331</p> <p>1 2 3 4 5 6 7 8 I, WIEBO JAN VAARTJES, do hereby declare 9 under penalty of perjury that I have read the 10 foregoing transcript of my deposition; that I have 11 made such corrections as noted herein, in ink, 12 initialed by me, or attached hereto; that my 13 testimony as contained herein, as corrected, is true 14 and correct. 15 EXECUTED this ____ day of _____, 16 2013, at _____, 17 (City) (State) 18 19 20 WIEBO JAN VAARTJES 21 Volume I 22 23 24 25</p>	

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3
4

5 _____)
IN RE: CATHODE RAY TUBE)
(CRT) ANTITRUST LITIGATION)
6 _____) No. 307-5944 SC
7 This Document Relates to:) MDL No. 1917
8 ALL ACTIONS)
_____)

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14 HIGHLY CONFIDENTIAL
15 VIDEOTAPED DEPOSITION OF WIEBO JAN VAARTJES
16 San Francisco, California
17 Thursday, December 19, 2013
18 Volume II
19
20
21
22

23 Reported by: SUZANNE F. BOSCHETTI
24 CSR No. 5111
25

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<p style="text-align: right;">Page 334</p> <p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 4 _____ 5) 6 IN RE: CATHODE RAY TUBE) (CRT) ANTITRUST LITIGATION) 7 _____) No. 307-5944 SC 8) 9 This Document Relates to:) MDL No. 1917 10) 11 ALL ACTIONS) 12 _____) 13 14 15 Videotaped deposition of WIEBO JAN 16 VAARTJES, Volume II, taken on behalf of Indirect 17 Purchaser Plaintiffs, at 275 Battery Street, 23rd 18 Floor, San Francisco, California, beginning at 9:10 19 a.m. and ending at 2:27 p.m., on Thursday, December 20 19, 2013, before SUZANNE F. BOSCHETTI, Certified 21 Shorthand Reporter No. 5111. 22 23 24 25</p>	<p style="text-align: right;">Page 336</p> <p>1 APPEARANCES (Continued): 2 3 VOGL MEREDITH BURKE LLP 4 BY: DIANE E. PRITCHARD, ESQ. 5 456 Montgomery Street, 20th Floor 6 San Francisco, California 94104 7 (415) 398-0200 8 dpritchard@vmbllp.com 9 10 COOPER & KIRKHAM, P.C. 11 BY: JOHN D. BOGDANOV, ESQ 12 357 Tehama Street, 2nd Floor 13 San Francisco, California 94103 14 (415) 789-3030 15 jdb@coopkirk.com 16 17 For Dell Plaintiffs: 18 ALSTON & BIRD LLP 19 BY: MELISSA MAHURIN WHITEHEAD, ESQ. 20 One Atlantic Center 21 1201 West Peachtree Street 22 Atlanta, Georgia 30309-3424 23 (404) 881-7000 24 melissa.whitehead@alston.com 25</p>
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<div>Page 339</div> <div>1 APPEARANCES (Continued):</div> <div>2</div> <div>3 For LG Defendants:</div> <div>4 MUNGER, TOLLES & OLSON LLP</div> <div>5 BY: WILLIAM D. TEMKO, ESQ.</div> <div>6 355 South Grand Avenue, 35th Floor</div> <div>7 Los Angeles, California 90071-1560</div> <div>8 (213) 583-9266</div> <div>9 william.temko@mto.com</div> <div>10</div> <div>11 For Panasonic Defendants:</div> <div>12 WEIL, GOTSHAL & MANGES LLP</div> <div>13 BY: DIANA A. AGUILAR, ESQ. (By telephone)</div> <div>14 767 Fifth Avenue</div> <div>15 New York, New York 10153</div> <div>16 (212) 310-8000</div> <div>17 diane.aguilard@weil.com</div> <div>18</div> <div>19 For Toshiba Defendants:</div> <div>20 WHITE & CASE LLP</div> <div>21 BY: SAMUEL J. SHARP, ESQ. (By Telephone)</div> <div>22 701 Thirteenth Street, NW</div> <div>23 Washington DC 20005-3807</div> <div>24 (202) 637-6285</div> <div>25 samuel.sharp@whitecase.com</div>	<div>Page 341</div> <div>1 INDEX</div> <div>2 WITNESS: EXAMINATION PAGE</div> <div>3 WIEBO JAN VAARTJES</div> <div>Volume I</div> <div>4</div> <div>5 BY MS. WHITEHEAD 345</div> <div>6 BY MS. PHAM 419</div> <div>7 BY MR. KOONS 507</div> <div>8 EXHIBITS</div> <div>9 NO. DESCRIPTION PAGE</div> <div>10 Exhibit 2299 Forwarded email from 375</div> <div>Felice Albertazzi to Rina</div> <div>11 Maes, 12/22/2004, with</div> <div>attachment, Bates Nos.</div> <div>12 LPD-NL00133620 - 133636</div> <div>13 Exhibit 2300 Email string beginning 405</div> <div>with email to Frederic</div> <div>14 Guillanneuf, from MB Choi,</div> <div>9/9/2005, Bates Nos.</div> <div>15 PHLP-CRT-008353 - 008365</div> <div>16 Exhibit 2301 Email to Wim Brouwer, et 449</div> <div>al., from Gerda</div> <div>17 Mertens-Vaes, 12/21/2004,</div> <div>with attachments, Bates</div> <div>18 Nos. PHLP-CRT-027715 -</div> <div>027716 (native format)</div> <div>19</div> <div>20 Exhibit 2302 Minutes EB meeting, March 458</div> <div>15, 2005, Bates Nos.</div> <div>LPD-NL00127986 - 127993</div> <div>21</div> <div>22 Exhibit 2303 Email to Felice 466</div> <div>Albertazzi, from Wiebo</div> <div>23 Vaartjes, 5/9/2005, Bates</div> <div>Nos. PHLP-CRT-034434</div> <div>24</div> <div>25</div>

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<p>1 (Discussion off the record.) 01:16:28</p> <p>2 BY MS. PHAM: 01:16:28</p> <p>3 Q May I ask you to take a look at an exhibit 01:16:28</p> <p>4 that was previously marked 2293. This document is 01:16:30</p> <p>5 the minutes of the Executive Board meeting held on 01:16:37</p> <p>6 July 12th, 2005. And can you please turn to page 5 01:16:40</p> <p>7 of 7. 01:16:48</p> <p>8 A Okay. 01:16:51</p> <p>9 Q Do you see the section called "Article on 01:16:52</p> <p>10 'Cooperation with SDI'?" 01:16:56</p> <p>11 A Yes. 01:16:58</p> <p>12 Q Do you see the name Mangelman there? 01:16:58</p> <p>13 A Yes. 01:17:02</p> <p>14 Q Is that the same Mangelman as the -- in the 01:17:02</p> <p>15 email we just saw? 01:17:06</p> <p>16 A Yes. 01:17:07</p> <p>17 Q Great. 01:17:07</p> <p>18 Thank you, sir. That's all I have for 01:17:08</p> <p>19 today. 01:17:10</p> <p>20 A Thank you. 01:17:10</p> <p>21 MS. PHAM: Thank you very much. 01:17:12</p> <p>22 MR. KOONS: Can we take a lunch break? 01:17:13</p> <p>23 MS. PHAM: Yes. 01:17:15</p> <p>24 (Discussion off the record.) 01:17:22</p> <p>25 VIDEO OPERATOR: We're going off the 01:17:22</p>	<p>1 allocate customers? 02:22:48</p> <p>2 A No. 02:22:49</p> <p>3 Q Switching gears slightly, do you have any 02:22:49</p> <p>4 knowledge of any agreement between LPD and LG to fix 02:22:55</p> <p>5 the prices of CRTs? 02:23:00</p> <p>6 A No. 02:23:02</p> <p>7 Q Do you have any knowledge of any agreement 02:23:02</p> <p>8 between LPD and LG to stop the production of CRTs? 02:23:04</p> <p>9 A No. 02:23:08</p> <p>10 Q Do you have any knowledge of any agreement 02:23:09</p> <p>11 between LPD and LG to allocate customers? 02:23:11</p> <p>12 A No. 02:23:16</p> <p>13 Q Or to limit the production of CRTs? 02:23:17</p> <p>14 A No. 02:23:21</p> <p>15 Q Okay. Switching gears again then. 02:23:21</p> <p>16 You testified earlier that you were the 02:23:25</p> <p>17 Chief Sales Officer of LPD for the period June '04 02:23:28</p> <p>18 to June of 06, correct? 02:23:33</p> <p>19 A Yes. 02:23:35</p> <p>20 Q And during that time, the entire time you 02:23:35</p> <p>21 served on the Executive Board? 02:23:39</p> <p>22 A Yes. 02:23:40</p> <p>23 Q What was the role of the Executive Board? 02:23:40</p> <p>24 A The Executive Board is the highest echelon 02:23:46</p> <p>25 carrying the overall responsibility of all the 02:23:51</p>
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<p>1 record. The time is 1:17 p.m. 01:17:24</p> <p>2 (Lunch recess.) 02:21:52</p> <p>3 VIDEO OPERATOR: We're back on the record. 02:21:54</p> <p>4 The time is 2:21 p.m. 02:22:00</p> <p>5 02:22:03</p> <p>6 EXAMINATION 02:22:03</p> <p>7 BY MR. KOONS: 02:22:03</p> <p>8 Q Good afternoon, Mr. Vaartjes. 02:22:04</p> <p>9 A Good afternoon. 02:22:06</p> <p>10 Q I just have a few questions for you before 02:22:07</p> <p>11 we conclude the day. 02:22:10</p> <p>12 Do you have any knowledge of any agreement 02:22:13</p> <p>13 between LPD and Philips Consumer Electronics to fix 02:22:15</p> <p>14 the prices of CRTs? 02:22:19</p> <p>15 A No. 02:22:22</p> <p>16 Q Do you have any knowledge of any agreement 02:22:22</p> <p>17 between LPD and Philips Consumer Electronics to stop 02:22:24</p> <p>18 the production of CRTs? 02:22:28</p> <p>19 A No. 02:22:31</p> <p>20 Q Do you have any knowledge of any agreement 02:22:31</p> <p>21 between LPD and Philips Consumer Electronics to 02:22:34</p> <p>22 limit the production of CRTs? 02:22:38</p> <p>23 A No. 02:22:41</p> <p>24 Q Do you have any knowledge of any agreement 02:22:41</p> <p>25 between LPD and Philips Consumer Electronics to 02:22:44</p>	<p>1 activities of LG Philips Displays. 02:23:53</p> <p>2 Q And did the Executive Board operate the 02:23:57</p> <p>3 day-to-day business of LPD? 02:24:00</p> <p>4 MS. WHITEHEAD: Object to form. 02:24:03</p> <p>5 BY MS. PHAM: 02:24:08</p> <p>6 Q You can go ahead. 02:24:08</p> <p>7 A Yes. 02:24:09</p> <p>8 Q In what ways did the Executive Board 02:24:09</p> <p>9 operate the day-to-day business of LPD? 02:24:11</p> <p>10 A As I said, they were ultimately responsible 02:24:13</p> <p>11 for all the activities. And through members in the 02:24:17</p> <p>12 Executive Board, they had departments and functions 02:24:19</p> <p>13 which were responsible for the creation, the 02:24:22</p> <p>14 manufacturing, and also the sales of CRTs to the 02:24:26</p> <p>15 various customers. CRTs and CDTs to various 02:24:30</p> <p>16 customers. 02:24:35</p> <p>17 Q And in what way did the Executive Board 02:24:35</p> <p>18 operate the -- the day-to-day management of the 02:24:37</p> <p>19 creation of CRT products? 02:24:41</p> <p>20 MS. WHITEHEAD: Object to form. 02:24:43</p> <p>21 THE WITNESS: There is -- there is a 02:24:45</p> <p>22 department headed by Mr. Maurits Smits who was 02:24:50</p> <p>23 developing picture tubes or developing technologies, 02:24:53</p> <p>24 new technologies like SuperSlim. And then the 02:24:58</p> <p>25 execution of the projects and implementation of the 02:25:01</p>

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<p style="text-align: right;">Page 510</p> <p>1 projects was largely done by project teams which 02:25:04</p> <p>2 were located in the factories. 02:25:07</p> <p>3 BY MR. KOONS: 02:25:09</p> <p>4 Q And in what ways did the Executive Board 02:25:10</p> <p>5 operate the day-to-day manufacture of CRTs? 02:25:12</p> <p>6 MS. WHITEHEAD: Object to form. 02:25:16</p> <p>7 THE WITNESS: In the Executive Board there 02:25:18</p> <p>8 was one person, the chief operating officer, and all 02:25:19</p> <p>9 the factories of LPD were reporting to him either 02:25:24</p> <p>10 directly or indirectly because they were also 02:25:28</p> <p>11 regionally set up. 02:25:30</p> <p>12 BY MR. KOONS: 02:25:34</p> <p>13 Q Okay. And in what ways did the Executive 02:25:34</p> <p>14 Board manage the day-to-day sales operations of LPD? 02:25:36</p> <p>15 MS. WHITEHEAD: Object to form. 02:25:41</p> <p>16 THE WITNESS: That was -- that was through 02:25:43</p> <p>17 me. So I had, let's say, a small team in the 02:25:45</p> <p>18 Central, in the headquarter office. And reporting 02:25:48</p> <p>19 to me were regional offices -- sales offices with 02:25:52</p> <p>20 sales teams. And also in the factories there were 02:25:54</p> <p>21 sales teams busy with selling and entertaining 02:25:57</p> <p>22 contacts with the customer base, with the customers. 02:26:05</p> <p>23 BY MR. KOONS: 02:26:09</p> <p>24 Q Were all the Executive Board -- were all of 02:26:09</p> <p>25 the members of the Executive Board employees of LPD? 02:26:12</p>	<p style="text-align: right;">Page 512</p> <p>1 THE WITNESS: No. 02:27:04</p> <p>2 BY MR. KOONS: 02:27:05</p> <p>3 Q Does LG have day-to-day management control 02:27:05</p> <p>4 over LPD? 02:27:08</p> <p>5 MS. WHITEHEAD: Object to form. 02:27:10</p> <p>6 THE WITNESS: No. 02:27:11</p> <p>7 BY MR. KOONS: 02:27:11</p> <p>8 Q Did any Philips entity have management 02:27:12</p> <p>9 control over LPD? 02:27:16</p> <p>10 MS. WHITEHEAD: Object to form. 02:27:17</p> <p>11 THE WITNESS: No. 02:27:18</p> <p>12 MR. KOONS: I have no further questions. 02:27:20</p> <p>13 Thank you. 02:27:22</p> <p>14 THE WITNESS: Thank you. 02:27:26</p> <p>15 VIDEO OPERATOR: Anybody else? 02:27:27</p> <p>16 MR. TEMKO: I have nothing. 02:27:31</p> <p>17 MR. MALAISE: As a matter of housekeeping, 02:27:33</p> <p>18 the transcript needs to be marked as highly 02:27:35</p> <p>19 confidential. 02:27:38</p> <p>20 VIDEO OPERATOR: This concludes today's 02:27:41</p> <p>21 deposition of Wiebo Vaartjes. Master disks of 02:27:42</p> <p>22 today's deposition will remain in the custody of 02:27:47</p> <p>23 Veritext. The time is 2:27 p.m. We are now off the 02:27:49</p> <p>24 record. 02:27:54</p> <p>25 (TIME NOTED: 2:27 p.m.)</p>
<p style="text-align: right;">Page 511</p> <p>1 A Yes. 02:26:17</p> <p>2 Q And as a member of the Executive Board, you 02:26:17</p> <p>3 attended Supervisory Board meetings; is that 02:26:21</p> <p>4 correct? 02:26:27</p> <p>5 A Yes, I remember a few of those. 02:26:27</p> <p>6 Q Did the Supervisory Board have day-to-day 02:26:30</p> <p>7 management responsibilities over LPD? 02:26:33</p> <p>8 A No. 02:26:36</p> <p>9 MS. WHITEHEAD: Object to form. 02:26:37</p> <p>10 BY MR. KOONS: 02:26:38</p> <p>11 Q Did the Supervisory Board have management 02:26:39</p> <p>12 responsibilities over the price that LPD charged for 02:26:41</p> <p>13 CRTs? 02:26:45</p> <p>14 MS. WHITEHEAD: Object to form. 02:26:45</p> <p>15 THE WITNESS: No. 02:26:46</p> <p>16 BY MR. KOONS: 02:26:46</p> <p>17 Q Did the Supervisory Board have management 02:26:47</p> <p>18 responsibilities over the volume of CRTs that LPD 02:26:49</p> <p>19 factories produced? 02:26:53</p> <p>20 MS. WHITEHEAD: Object to form. 02:26:54</p> <p>21 THE WITNESS: No. 02:26:55</p> <p>22 BY MR. KOONS: 02:26:57</p> <p>23 Q Did the Supervisory Board have management 02:26:57</p> <p>24 responsibilities over what customers LPD sold to? 02:26:59</p> <p>25 MS. WHITEHEAD: Object to form. 02:27:03</p>	<p style="text-align: right;">Page 513</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 I, WIEBO JAN VAARTJES, do hereby declare</p> <p>9 under penalty of perjury that I have read the</p> <p>10 foregoing transcript of my deposition; that I have</p> <p>11 made such corrections as noted herein, in ink,</p> <p>12 initialed by me, or attached hereto; that my</p> <p>13 testimony as contained herein, as corrected, is true</p> <p>14 and correct.</p> <p>15 EXECUTED this ____ day of _____,</p> <p>16 2013, at _____, _____.</p> <p>17 (City) (State)</p> <p>18</p> <p>19</p> <p>20 WIEBO JAN VAARTJES</p> <p>21 Volume II</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a record
8 of the proceedings was made by me using machine
9 shorthand which was thereafter transcribed under my
10 direction; that the foregoing transcript is a true
11 record of the testimony given.
12 I further, certify I am neither financially
13 interested in the action nor a relative or employee
14 of any attorney or party to this action.
15 IN WITNESS WHEREOF, I have this date
16 subscribed my name.
17
18 Dated: December 30, 2013
19
20
21
22
23
24 SUZANNE F. BOSCHETTI
25 CSR No. 5111

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